

**STATEMENT OF ARGUMENTS FOR PRE-APPEAL BRIEF
REQUEST FOR REVIEW**

Applicant requests reconsideration and withdrawal of the rejections in view of the following remarks.

I. Formality Rejections

The Examiner objects to claim 22, alleging that the claim includes informalities. In addition, claims 22-32, 34-39, 43 and 44 were rejected under 35 USC §112, second paragraph, as allegedly indefinite. It is respectfully submitted that the claims are definite and proper under §112. Accordingly, withdrawal of the objection and rejection is respectfully requested.

Claim 22 reads on an embodiment as illustrated in Figure 2 of the application. In Figure 2, the recited "closing member" is identified with reference numeral 12. The closing spring is identified with reference numeral 16. The recited "gripping device" is a unitary element identified generally with reference numeral 20. As illustrated in Figure 2, the unitary element includes multiple features. Specifically, the unitary element includes a gripping latch 34, a slide edge 30, a stop edge 32, an opening lever 52 and an arm 54. All of these features are part of the same physical unitary piece identified generally by reference numeral 20, which the specification calls a "gripping device."

Claim 22 recites that the gripping device can be gripped and moved by a user to open the door lock. And as explained in the application, a user could lift upward on the opening lever 52 of the gripping device 20 to cause the gripping device 20 to rotate in the clockwise direction, which causes the door lock to open.

The Examiner has taken the position that because the lead line from reference numeral 20 is drawn to the circular shaped portion of the gripping device, only this circular portion can be considered the "gripping device." And if the "gripping device" is limited to only the circular portion, this is a portion of the unitary structure that the user would not actually grasp. Thus, the Examiner has taken the position that there is a conflict between what is disclosed in the application, and the language of claim 22, which recites that the user can grasp and move the "gripping device."

Applicant respectfully submits that limiting the interpretation of the claim term "gripping device" to only the circular portion of the unitary structure to which the lead line

of reference numeral 20 points is highly improper. As explained above, and as fully explained in the application, the gripping device is a unitary structure that include multiple features, including the opening lever 52 which is grasped and moved by a user. The lead line coming away from reference numeral 20 had to point to something. And the fact that it points to the circular shaped portion of the unitary structure does not mean that this is the only portion of the unitary structure which could be interpreted as the "gripping device."

There is no conflict between the language of claim 22 and the description in the specification. Applicant has properly labeled the unitary structure that is the "gripping device" with reference numeral 20 in Figures 2 and 3. And a user would grasp a portion of this unitary structure to move the gripping device and open the door lock. In view of these facts, it is respectfully submitted that claim 22 is proper and definite under §112.

The Examiner also questions how claim 31 can depend from independent claim 22. The Examiner notes that claim 31 recites a gripping shell, and the Examiner appears to assume that if a gripping shell is present, the locking mechanism must be similar to the one illustrated in Figures 8-12.

It is true that a gripping shell is illustrated in Figure 8, and that Figure 8 illustrates a locking mechanism which is different from the one illustrated in Figure 2. However, the fact that a gripping shell is not specifically illustrated in Figures 2 and 3 does not mean that a gripping shell cannot mounted on a door of an appliance which also includes the locking mechanism illustrated in Figures 2 and 3. In fact, a gripping shell could be used on an appliance door having any of the locking mechanisms illustrated in the present application. For these reasons, it is respectfully submitted that it is appropriate for claim 31 to recite a gripping shell, even though claim 31 depends from claim 22 and is directed to an embodiment having a locking mechanism similar to the one illustrated in Figures 2 and 3.

In view of the foregoing, it is respectfully submitted that the rejection of claims 22-32, 34-39, 43 and 44 under §112 should be withdrawn.

II. The Claims are Allowable over Nozomu and Dirnberger

The Office Action rejects claims 22, 24, 27, 28, 37 and 43 under 35 U.S.C. §103(a) over US Patent No. 3,799,596 to Nozomu et al. (hereinafter “Nozomu”), in view of German Patent No. 19601228 to Dirnberger (hereinafter “Dirnberger”).

Nozomu is directed to a locking mechanism which is intended to be used on the door of a vehicle. Dirnberger discloses an appliance with a door that can be latched into a closed position. The Examiner has taken the position that one of ordinary skill in the art would have been motivated to replace Dirnberger’s door lock with a lock mechanism as disclosed in Nozomu. And that once this substitution is made, the combination would include all the elements recited in claim 22. Applicant respectfully disagrees on both points.

Nozomu’s door lock includes a safety mechanism that is intended to prevent the door lock from opening during a collision. The locking mechanism includes a rotatable latch member 12 which engages a striker pin 11 to hold a vehicle door closed. A locking lever 13 is also rotationally mounted on the mounting plate 10. In the position illustrated in Figure 1, the locking lever 13 prevents the latch member 12 from rotating out of the closed and locked position. However, the locking lever 13 can be rotated clockwise by either an internal release lever 21 or movement of an outer door release handle 27. When the locking lever 13 has rotated in the clockwise direction to the position illustrated in Figure 3, a pawl 13a of the locking lever 13 releases the latch member 12 so that it can rotate clockwise to allow the door to open.

Nozomu’s safety mechanism includes a weight member 19 which is attached to a second arm 13d of the locking lever 13 by an axis pin 18. The weight member 19 is allowed to rotate around a spherical end of the axis pin 18. When the vehicle is stationary, and in its normal upright position, the weight member 19 remains vertical. As a result, it is possible to rotate the locking lever 13 clockwise to release the latch member 12, and thereby open the door. The clockwise movement of the locking lever 13 moves the weight member 19 upward. However, the upper arm 19c of the weight member 19 is allowed to move upward and pass through a circular aperture 23a in a blocking member 23.

On the other hand, if the vehicle is suddenly accelerated in any direction, as would occur during a collision, the weight member 19 will pivot around the spherical end of the

axis pin 18 and assume a tilted position, as shown in Figure 4. When the weight member 19 has tilted, the weight member 19 is blocked from moving upward due to interference between the upper arm 19c of the weight member and the blocking member 23. As a result, it is impossible to rotate the locking lever 13 in a clockwise direction to open the door lock.

Nozomu's weight member 19 is cannot be accessed by a user to allow the user to manually move the weight member 19 into a position which would activate the safety mechanism. Nozomu's safety mechanism can only be activated by suddenly accelerating the vehicle in some direction, or by tilting the vehicle, as would occur during a collision. Likewise, a user also cannot move the weight mechanism into a position that allows the lock mechanism to open. Instead, the position of the weight member 19 will simply depend on whether the door and lock mechanism are experiencing sudden acceleration.

If a lock assembly as disclosed in Nozomu were mounted in an appliance, which is not accelerated or tilted during normal operations, the weight member 19 of the Nozomu lock assembly would never move from the position illustrated in Figures 1 and 2 of Nozomu. In other words, the Nozomu lock mechanism would never block the lock from opening. The weight member 19 and the blocking member 23 would serve no function whatsoever.

The Examiner has asserted that one would have made the substitution because adding Nozomu's lock assembly to Dirnberger's appliance would "enhance the security of the appliance." However, as explained above, Nozomu's safety mechanism would be inoperative when mounted in a stationary appliance. Thus, contrary to the Examiner's assertion, installing Nozomu's lock assembly in the Dirnberger appliance would do nothing to enhance the security of the appliance. Moreover, Nozomu's lock mechanism is far more complex and expensive to produce than the lock assembly already present in the Dirnberger appliance. For all these reasons, it is respectfully submitted that one of ordinary skill in the art would have had no reason to replace Dirnberger's lock assembly with Nozomu's lock assembly. It is respectfully submitted that the combination of Nozomu with Dirnberger is improper, and that the rejection should be withdrawn on these grounds alone.

Applicant also notes that even if the Nozomu lock mechanism were installed in the Dimberger appliance, the combination would still lack features recited in claim 22. Claim 22 recites means for selectively blocking movement of a closing member of the door lock, the means for selectively blocking being selectively positionable between a first position in which the means for selectively blocking blocks movement of the closing member, and a second position in which the means for selectively blocking does not block movement of the closing member. Thus, claim 22 recites that the means for selectively blocking is selectively positionable between first (child safety lock engaged) and second (child safety lock disengaged) positions.

As explained above, it is impossible to selectively position the weight member 19 of the Nozomu lock mechanism in either a first position (which blocks opening of the lock assembly) or at a second position (which allows the lock assembly to open). Further, if the Nozomu lock mechanism is installed in a stationary appliance, the safety mechanism would never be engaged.

Because even the improper combination of Dimberger and Nozomu lacks a means for selectively blocking that is selectively positionable between first (child safety lock engaged) and second (child safety lock disengaged) positions, it is respectfully submitted that claim 22 is allowable over these two references. Claims 24, 27, 28, 37 and 43 depend from claim 22 and are allowable for the same reasons, and for the additional features which they recite.